

Appln. No. 10/530,903
Amendment dated December 11, 2007
Reply to Office Action of June 11, 2007

REMARKS

In the Office Action dated June 11, 2007, claims 1-9 were examined with the result that claims 1-8 were rejected and claim 9 was objected to by the Examiner. In response, applicant has canceled original claims 1-9 and added new claims 10-14. In view of the above amendments and following remarks reconsideration of this application is requested.

In the Office Action, the Examiner indicated that applicant must elect a single species of the generic invention in response to the Office Action as the Examiner believed that the compounds covered in the present patent application are not so linked as to form a single general inventive concept. Accordingly, in a telephone conversation with the Examiner on September 22, 2006, a provisional election was made on the species of compound 113(a) with traverse. In response, applicant herein affirms that election without traverse and indicates that claims 10, 11 and 13-14 are all readable on the elected species. New claim 12 is readable upon compound 113(b) which is the isomer of compound 113(a).

Via the present amendment, original claims 1-9 have all been canceled and new claims 10-14 have been presented. New claim 10 is generic to compounds 113(a) and 113(b) as well as to their prodrugs. Support for the generic claim 10 can be found at page 125 of the application as filed. In addition, new claim 11 is directed toward the 2 β ,2'-epoxy form of the compound designated as compound 113(a) while new claim 12 is directed toward the 2 α ,2'-epoxy form of the compound designated as compound 113(b). Support for new claims 11 and 12 can also be found on page 125 of the application as filed as well as at page 15 of the application as filed. New claim 13 is similar to original claim 9 which was allowed by the Examiner except it is limited to preparation of the elected species and its genus found in new claim 10. Therefore, applicant believes new claim 13 should now be allowable by the Examiner. Finally, new claim 14 is similar to original claim 7 except limited to the compounds of claim

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10. Support for this claim can be found for example at page 5 of the application as filed as well as at page 131 and original claim 7.

In the Office Action, the Examiner rejected claims 1-8 under 35 U.S.C. §112, first paragraph, as being non-enabling for the "prevention" of the diseases claimed. The Examiner will note that new claim 14 is not directed toward the prevention of the diseases claimed, but it limited toward the treatment of the diseases claimed. Therefore, applicant believes this rejection is now moot.

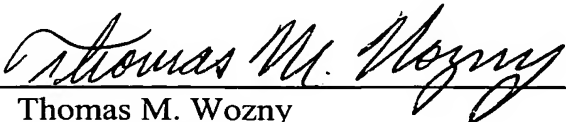
In the Office Action, original claim 9 was objected to as being dependent upon a rejected base claim. The Examiner indicated that it would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. Accordingly, applicant has canceled original claim 9 and rewritten it as new claim 13. Since new claim 13 is limited to the preparation of the compounds of claim 10, applicant believes new claim 13 is now allowable.

In the Office Action, the Examiner also indicated that the elected species of compound 113(a) and its genus are allowable. Accordingly, applicant believes new claims 10 and 11 are also now allowable. Finally, since claim 12 is merely the isomer of claim 11, applicant believes it is also now allowable.

An effort has been made to place this application in a condition for allowance and such action is earnestly requested.

Respectfully submitted,

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